

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KIRK LEAPHART,

Plaintiff,

Case No. 12-15618

v.

Hon. John Corbett O'Meara

DAVID S. ROBINSON, JR.,

Defendant.

**ORDER DENYING PLAINTIFF'S MOTION
FOR RELIEF FROM JUDGMENT**

Before the court is Plaintiff's motion for relief from judgment. The court dismissed Plaintiff's complaint on January 18, 2013, after reviewing it pursuant to 28 U.S.C. § 1915(e). The court concluded that Plaintiff failed to allege facts sufficient to overcome Defendant's judicial immunity. Plaintiff seeks reconsideration, contending that Defendant, a 36th District Judge, is not immune because he acted "in the complete absence of all jurisdiction." See Stern v. Mascio, 262 F.3d 600, 607 (6th Cir. 2001). However, Plaintiff's allegations indicate that he disagrees with Judge Robinson's application of the law, not that the judge acted in the complete absence of all jurisdiction. See id. ("[S]imply exceeding the limits of one's jurisdiction will not eliminate immunity, because many courts are courts of limited jurisdiction regularly called upon to resolve unsettled points of law relating to the contours of their own jurisdiction. . . . Even grave procedural errors or acts taken when no statute purports to confer on the court the authority purportedly exercised will not deprive a judge of judicial immunity.").

Because Plaintiff cannot overcome Defendant's judicial immunity, IT IS HEREBY

ORDERED that Plaintiff's motion for relief from judgment is DENIED.

s/John Corbett O'Meara
United States District Judge

Date: June 6, 2013

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, June 6, 2013, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager